

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, SEPTEMBER 6, 2018 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present: Eddie Nobles (Chair), Joe Garrison (Vice Chair), Harry Huberth, David Lambert, John Matthews, Bobby Hyman, John Cook, Matthew Bradley

Board Members Absent: Jeffrey Gilbert

Staff Present: Debra Ensminger, Planning Director
Tron Ross, County Attorney
Theresa Thompson, Senior Planner
Stephanie Cormack, Administrative Officer

CALL TO ORDER

Meeting was delayed due to meeting location over capacity. Chair Eddie Nobles called the meeting to order at 6:45 pm.

INVOCATION

Board Member Joe Garrison offered the invocation.

PLEDGE OF ALLEGIANCE

Board Member Harry Huberth led in citing of the Pledge of Allegiance.

MISSION STATEMENT

Board Member Matthew Bradley read the Moore County Mission Statement.

PUBLIC COMMENT PERIOD

There was no public comment.

APPROVAL OF THE CONSENT AGENDA

- A. Approval of Meeting Agenda
- B. Approval of Minutes of August 2, 2018
- C. Consideration of Abstentions

Board Member Harry Huberth requested a correction to the minutes on page 4 noting Bobby Hymans name was misspelt and should be corrected. Board Member Joe Garrison

made a motion to approve the consent agenda as corrected. The motion was seconded by Board Member John Matthews and the motion passed unanimously (8-0).

Board Member Joe Garrison made a motion to amend the Public Hearing procedures for this meeting to allow a total of three (3) minutes for each person to make his/her remarks and one (1) additional time period which may be yielded to him/her by another individual who was also signed up to speak on the Pinehurst ETJ matter. This motion was seconded by Board Member David Lambert and the motion passed unanimously (8-0).

PUBLIC HEARING

Public Hearing #1 – Request for Extension of Extraterritorial Jurisdiction

Planning Director Debra Ensminger presented to the Board a request from the Village of Pinehurst to extend the extraterritorial jurisdiction (ETJ). Ms. Ensminger provided clarification to the Board the request is only to expand Pinehurst's ETJ and not an annexation request. If approved, landowners will not be taxed as Pinehurst since this is not an annexation request. If approved, the Village of Pinehurst will only be providing building, zoning, subdivision and permit services; currently these services are being provided by the County. Ms. Ensminger provided the case background as presented in the staff report. Ms. Ensminger explained to the Board a modification to the map was needed reducing the total number of parcels to 692 because of an oversight in the Pinewild area due to 1991 Session Law House Bill 1417 excluding 29 lots adjacent to Pinewild: map attached as "Exhibit A".

The Village of Pinehurst Manager Jeff Sanborn was introduced by Ms. Ensminger and presented a PowerPoint presentation regarding the ETJ request: attached as "Exhibit B".

The PowerPoint provided the board information on the following topics:

- ETJ: What it is and what it is NOT
- ETJ Expansion Area Requested
- Why is Pinehurst Requesting Extension of its ETJ?
- Current Moore County ETJ Construct
- Why Existing Property Owners Should be in Favor
- Potential Property Owner Concerns
- Current Moore County Zoning
- Why Should Moore County Approve
- Conclusions

During Mr. Sanborn's presentation the following Board members asked the following questions.

Board Member Garrison asked for further clarification on a map where Pinehurst R-210 zoning would be allowed applying to chickens and livestock.

Mr. Sanborn asked if Mr. Garrison could hold off on questions as he will get to that section of the presentation.

Board Chair Nobles asked Mr. Sanborn what his definition of “Grandfathered was?”

Mr. Sanborn said it generally means you could continue that use indefinitely unless there was some kind of replacement action.

Board Member Garrison clarified “Grandfathered” if the landowner did nothing to the existing structure or property and have no changes. However, if a landowner wanted to expand or build a new building on their property then it would have to be built conforming to Pinehurst standards.

Mr. Sanborn concurred with Mr. Garrison, Pinehurst would like to have dialog with the affected property owners and have the opportunity to address these types of concerns.

Mr. Garrison asked how dialog would be had and what recourse would the property owners have as Mr. Garrison’s concern is you could say it now but then not do it.

Mr. Sanborn said there was no hurry to make a rushed decision and feels it is important to get this right.

Board Member Garrison mentioned that in Mr. Sanborn’s presentation he mentioned Pinehurst is not interested in annexation however on the second to last page of the PowerPoint slide as to why should Moore County approve this request states “Creates an environment where developers are more likely to petition for annexation.”

Mr. Sanborn explained this is not about annexation but dealing with growth that is going to happen. This type of growth results in urban level development that is most appropriately addressed by municipal services that can only be provided by annexation.

Board Member Bradley clarified pursuant of State Statute as it presently stands there is no way involuntary annexation can occur.

Mr. Sanborn concurred.

Mr. Bradley wanted to make sure no referendum or majority vote could occur.

Mr. Sanborn explained that would not be considered involuntary and an annexation can only occur at the consent of the property owner, a referendum is a general will and consent.

Chair Nobles asked if Taylortown had been consulted as this request would encompass their area and would not allow Taylortown future ETJ expansion.

Mr. Sanborn mentioned there have been discussions with Taylortown and felt they understood the request, they were neither for nor against the request.

Board Member Garrison was concerned this request would cut Taylortown off from expansion.

Mr. Sanborn explained when Taylortown was incorporated by a way of State Statute they are not allowed to have an ETJ.

Board Member Matthews would like explanation how law enforcement jurisdiction would be affected by this request.

Mr. Sanborn explained there would be no change if approved. Pinehurst law-enforcement current limits is one (1) mile beyond their area.

Chair Nobles inquired how fire and rescue services would be affected.

Mr. Sanborn explained these services would be unchanged.

Board Member Lambert asked for Mr. Sanborn to clarify how Pinehurst came to the conclusion about property taxes and values.

Mr. Sanborn explained by avoiding incompatible development, types of development to an area and appearance brings a higher quality of life therefore will increase the value of property.

Board Member Lambert asked if there had been any dialog between Pinehurst and Moore County regarding concerns about development. Mr. Lambert feels if Pinehurst and Moore County work together Moore County could address any concerns Pinehurst may have regarding development if they both worked together.

Mr. Sanborn feels growth results in urban development and Moore County is not equipped the way the municipal level services could provide services. Mr. Sanborn is also concerned as leadership changes over the years to come it would not be inefficient to reinvent the wheel every time.

Board Member Lambert asked if Pinehurst had looked into the potential expansion of appointing ETJ members participation to some of their boards for example the Planning Board.

Mr. Sanborn mentioned not at the council level but at the staff level yes.

Board Member Cook mentioned there are many farms in this area that could be affected and with their property values going up their taxes would go up and doesn't really see the benefit to the property owner.

Mr. Sanborn agreed this is a complicated situation and growth is going to happen and feels Pinehurst should manage growth to minimize impacts on current and future property owners.

Board Member Garrison is concerned about Mr. Sanborn's statement and feels Moore County has a great staff that is doing a fine job and doesn't see the problem as Pinehurst residents are not being affected.

Mr. Sanborn mentioned Pinehurst is looking at future growth and not present growth. Mr. Sanborn feels Moore County is a very valuable partner and does a great job everyday however, Pinehurst has the proximity and a more in depth knowledge of what is going on in the area.

Board Member Huberth clarified if a property falls under Bona Fide Farm status there would be some kind of protection when it comes to tax value.

Board Member Cook mentioned it would still go up based on the economy of. Also, if you purchased property adjacent you would still have to pay full taxes on that property for at least 2 to 3 years before you would fall under Bona Fide Farm status.

Board Member Huberth reiterated it still would be beneficial for a property to become a Bona Fide Farm under the current property values.

Board Member Cook expressed the expansion request is quite large and would like to know why Pinehurst wanted to expand their ETJ of this magnitude.

Mr. Sanborn mentioned staff and council have looked at the areas surrounding Pinehurst for growth and felt this area could provide the most negative impact on the Village of Pinehurst.

Board Member Garrison mentioned the map provided indicated a red dotted line currently not in the expansion request and could potentially in the future be an expansion request by Pinehurst depending on future council members.

Mr. Sanborn concurred that is a possibility in the future.

Board Member Garrison wondered why Pinehurst didn't ask to expand the entire area up to the red dotted line and wondered if they were more concerned about the type of growth commercial/industrial vs. residential.

Mr. Sanborn mentioned residential growth is the biggest financial impact in the area and not commercial/industrial. Pinehurst's request was about striking a balance with the greater possibility of the request being approved.

Board Member Cook commented to Mr. Sanborn if Pinehurst feels they could do a better job than the County then Pinehurst really needs to look at additional staff.

Mr. Sanborn feels they have the needed staff.

Board Member Matthews mentioned there are large parcels in this request and is concerned how it would affect hunting and target shooting.

Mr. Sanborn mentioned there are no limitations as the only limitation are within the Municipal Code which covers Municipal boundaries. Mr. Sanborn added mobile homes within this area would be grandfathered with this request.

Board Member Nobles asked if new mobile homes would be allowed in the area.

Mr. Sanborn was not able to answer the question.

Board Member Lambert mentioned there are State Statutes that regulate mobile homes and areas cannot place limitations on mobile homes.

Board Member Huberth would like further clarification regarding the area between Foxfire and Pinewild not being included in this request.

Mr. Sanborn mentioned a local bill was put in place and the Village cannot expand their ETJ encompassing these properties due to a State Statute the Village is hoping to resolve this issue with the property owner in the future.

Board Member Huberth confirmed with Ms. Ensminger these properties would continue to fall under Moore County's zoning jurisdiction.

Mr. Sanborn indicated if in the future Pinehurst would be able to assume these parcels within their ETJ then Pinehurst would have to bring the request back thru the County process for review.

Board Member Lambert inquired about the transition process if the request to expand the ETJ was approved by the County.

Mr. Sanborn mentioned there was a transition time frame within the State Statutes that would allow Pinehurst enough time to ensure the zoning for each parcel is correct.

With no further questions Board Chair Nobles opened the public hearing.

The following people spoke on behalf of the Public Hearing ETJ request.

- Jane Hogeman - 18 Lochdon Ct. spoke in support of the request
- Amy Dahl - 151 Roberts Loop spoke against the request
- Pastor Todd Curry - St. Peters Church in Eastwood spoke against the request
- David Plowman - 484 Pine Hill Rd. spoke against the request
- Lynn Young - Eastwood area spoke against the request
- Diane Anello - Lochdon Ct. in Pinewild spoke in support of the request

- Sue Colmer - 34 Pomeroy Dr. spoke in support of the request
- Connie Barber - West End just off Murdocksville Rd. spoke against the request
- Jon Giles - 6667 NC Hwy 211 spoke against the request
- Karen Robinson - Home in Pinewild and West End spoke against the request
- James Black - 568 Pine Hill Rd. spoke against the request
- Harry & Jennie Graham - 7927 Hwy 211 spoke against the request
- Donald Jackson - 2236 Murdocksville Rd. spoke against the request
- Faye Horne - 189 Esther Rd. spoke against the request
- L. Dale Garges - 6173 NC 211 spoke against the request
- Rod Brower - 151 Hawthorne Trail spoke against the request
- Ruth Stolting - 645 Oldham Rd. spoke against the request
- Sherry Locklear - 7028 Beulah Hill Church Rd. spoke against the request
- Colin McKenzie - no address given spoke against the request
- Peter Levine - 5860 Beulah Hill Church Rd. spoke against the request
- Jennifer Jordan - 355 Hardee Branch Rd. spoke against the request
- Nathaniel Jackson - 170 Nathaniel Lane spoke against the request
- Paul Shamblin - 3005 Murdocksville Rd. spoke against the request
- Scott Bullard - 169 Standish Lane spoke against the request
- David Cockman - 7196 Beulah Hill Church Rd. spoke against the request
- Rolo Tran Lassiter - 310 Tram Rd. spoke against the request
- Jacob Southerland - 751 Juniper Lake Rd. spoke against the request

With no further questions Board Chair Nobles closed the public comment period.

Board Member Garrison thanked Pinehurst for their presentation. Mr. Garrison felt he did not hear a why or a reason for the growth and feels Moore County planning staff does a great job at what they do. Mr. Garrison feels Pinehurst will be fine and doesn't see why this would benefit people.

With no further discussion Board Member Joe Garrison made a motion to recommend denial to the Moore County Board of Commissioners of the request for expansion of extraterritorial jurisdiction by the Village of Pinehurst. The motion was seconded by Board Member John Cook; the motion passed unanimously 8-0.

Due to video technicalities the remaining items listed on the agenda were not recorded.

PLANNING DEPARTMENT REPORTS

There were no Planning Department reports.

BOARD COMMENT PERIOD

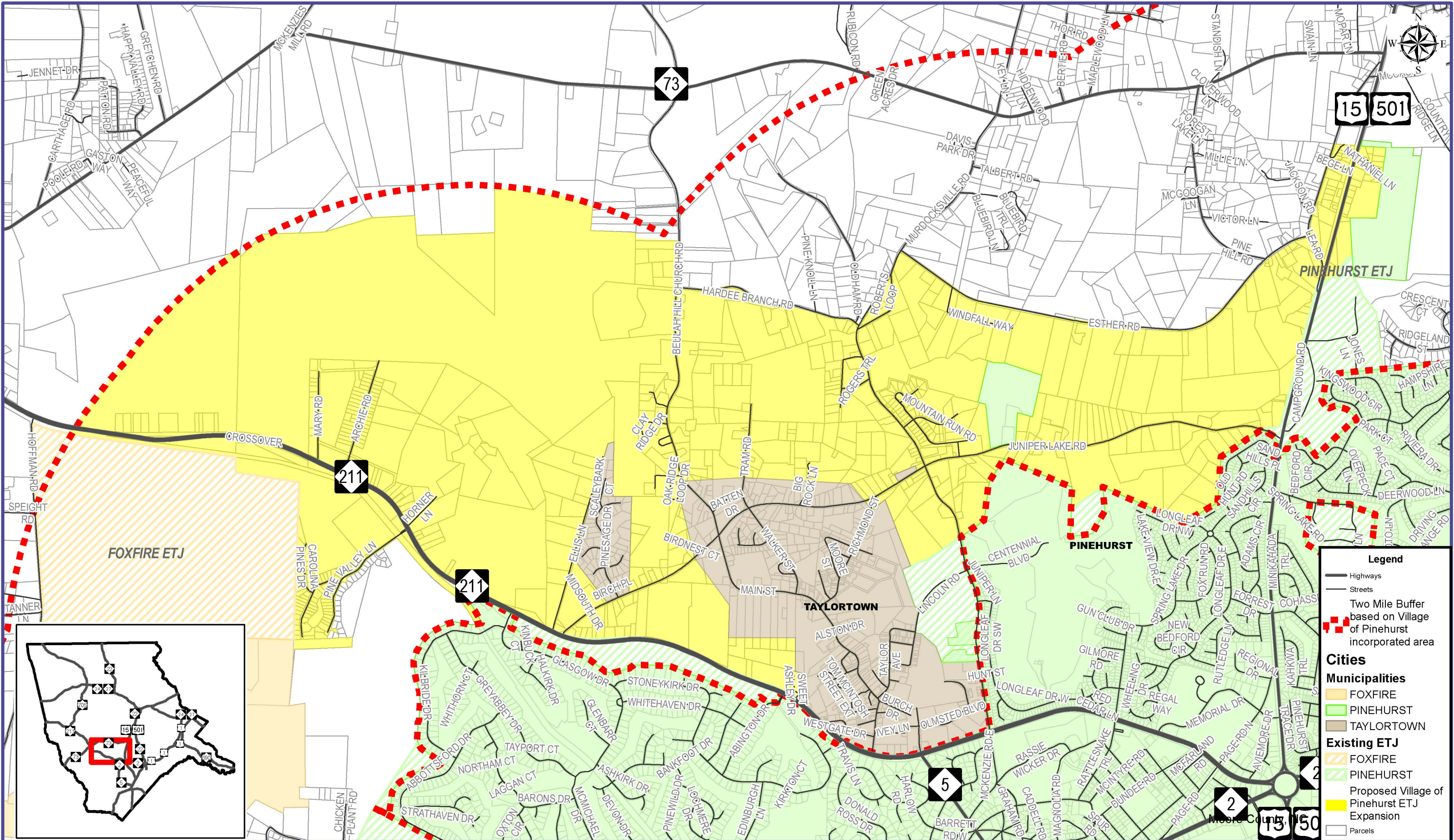
There was no Board comment period

ADJOURNMENT

Board Member John Cook made a motion to adjourn the September 6, 2018 regular meeting. The motion was seconded by Board Member David Lambert and the motion passed unanimously 8-0.

Respectfully submitted by,

Stephanie Cormack



"Exhibit A"



Extraterritorial (ETJ) Expansion Request –
Presentation to Moore County Planning Board
September 6, 2018

ETJ: What it is and what it is NOT



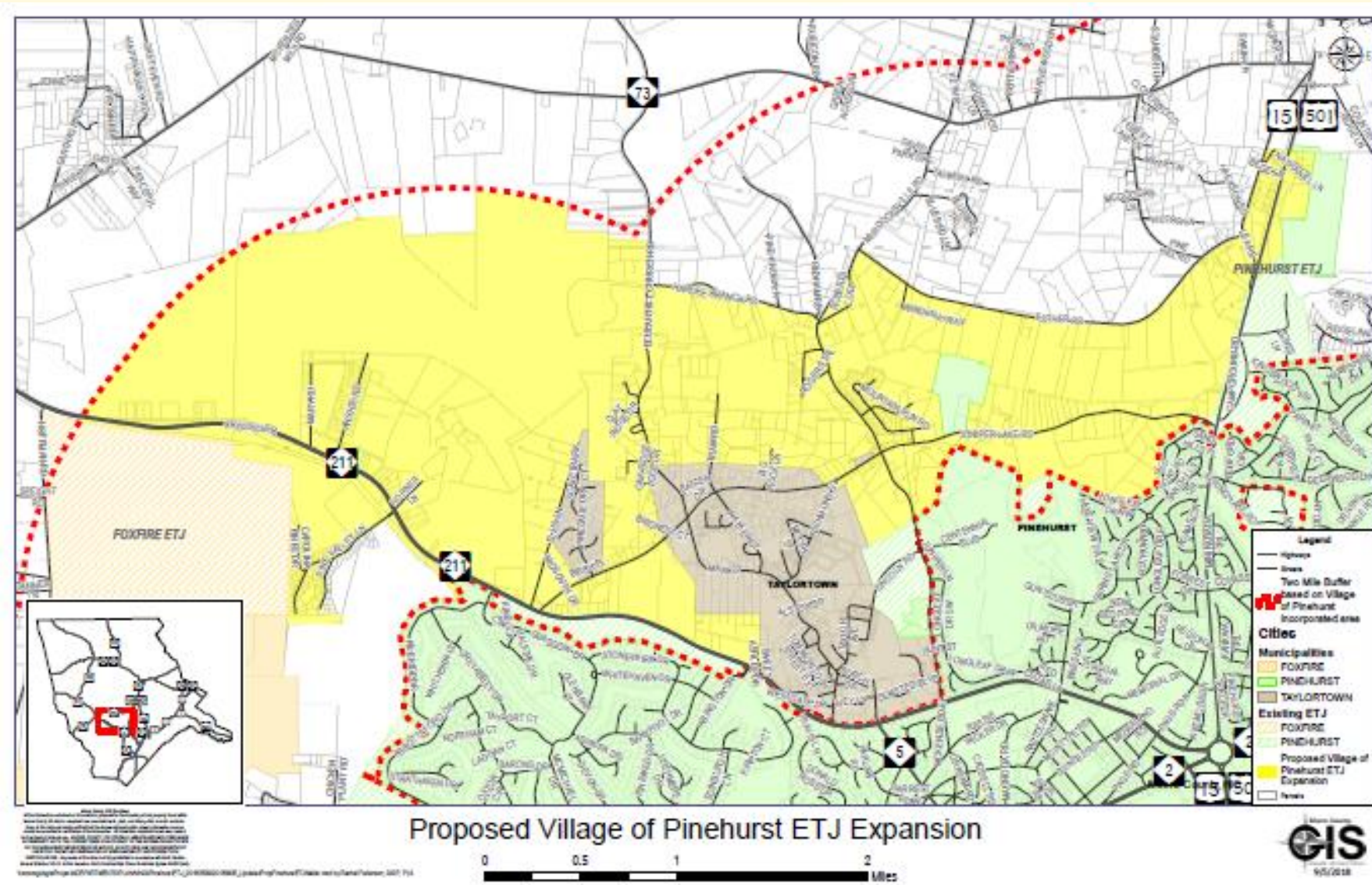
What it is:

- Extraterritorial Jurisdiction
- Transfer of zoning and development authority from Moore County to Pinehurst
- Transfer of building and fire inspections responsibility from Moore County to Pinehurst

What it is NOT:

- ANNEXATION
 - Pinehurst cannot annex property against the general will of property owners
 - Moore County cannot approve Pinehurst's annexation of property against the general will of property owners
- The first step toward involuntary annexation
- Creation of taxing authority – taxes will remain unchanged!

ETJ Expansion Area Requested



Why is Pinehurst Requesting Extension of its ETJ?



- **One fundamental premise: Southern Moore County is growing and development in this area is going to happen**
 - Moore County population to grow by 34,000+ from 2010 to 2030 (2013 Moore County Land Use Plan)
 - Moore County zoning is build to accommodate that growth near our municipalities – including the area in question
 - In 30 years, we will not recognize this area
 - We want to ensure that the result is as pleasing and beneficial as possible for all of us

Why is Pinehurst Requesting Extension of its ETJ? (Continued)



- *Pinehurst is not interested in promoting growth*
- *When* development occurs in this area, Pinehurst wants it to be compatible with and complimentary to Pinehurst's character
- *When* development occurs, Pinehurst also wants to ensure resulting urban areas are adequately supported by municipal services that a County is not resourced to provide

Not an attempt to change what we see today, it is an attempt to protect our collective future

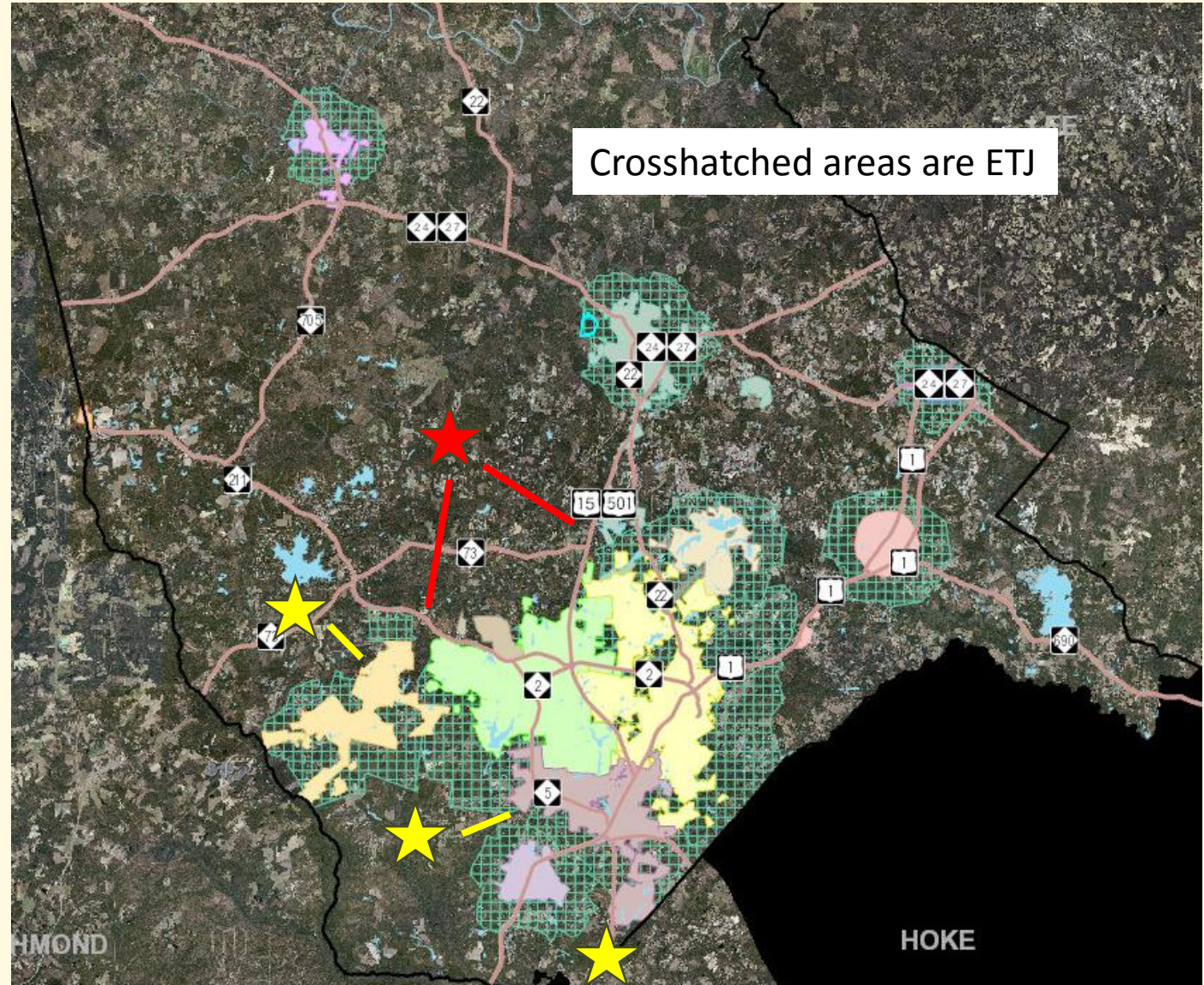
Pinehurst wants to let current residents and property owners live and work as they currently do

Current Moore County ETJ Construct



- ✓ Carthage has a surrounding ETJ
- ✓ Whispering Pines has a surrounding ETJ
- ✓ Vass has a surrounding ETJ
- ✓ Pinebluff has a surrounding ETJ
- ✓ Southern Pines has a surrounding ETJ (except where it abuts another municipality)
- ✓ Cameron has a surrounding ETJ

- ★ Aberdeen has a nearly surrounding ETJ (except where it abuts another municipality)
- ★ Foxfire has a nearly surrounding ETJ
- ★ Pinehurst's entire northern border has no ETJ



Why Existing Property Owners Should be in Favor



- ✓ Pinehurst can afford to pay closer attention to development in this area because it is not concerned with the diverse impacts of development across the county
- ✓ Pinehurst is more in tune with how various types of development can adversely impact the unique character of our area of Moore County
- ✓ In the long run, this should result in less adjacent incompatible development and greater preservation of the special character of the Pinehurst area
- ✓ This will lead to better property values and a higher quality of life for all of our future generations
- ✓ Generally more timely & responsive building inspections

Potential Property Owner Concerns



- Perceptions of Over-Regulation:

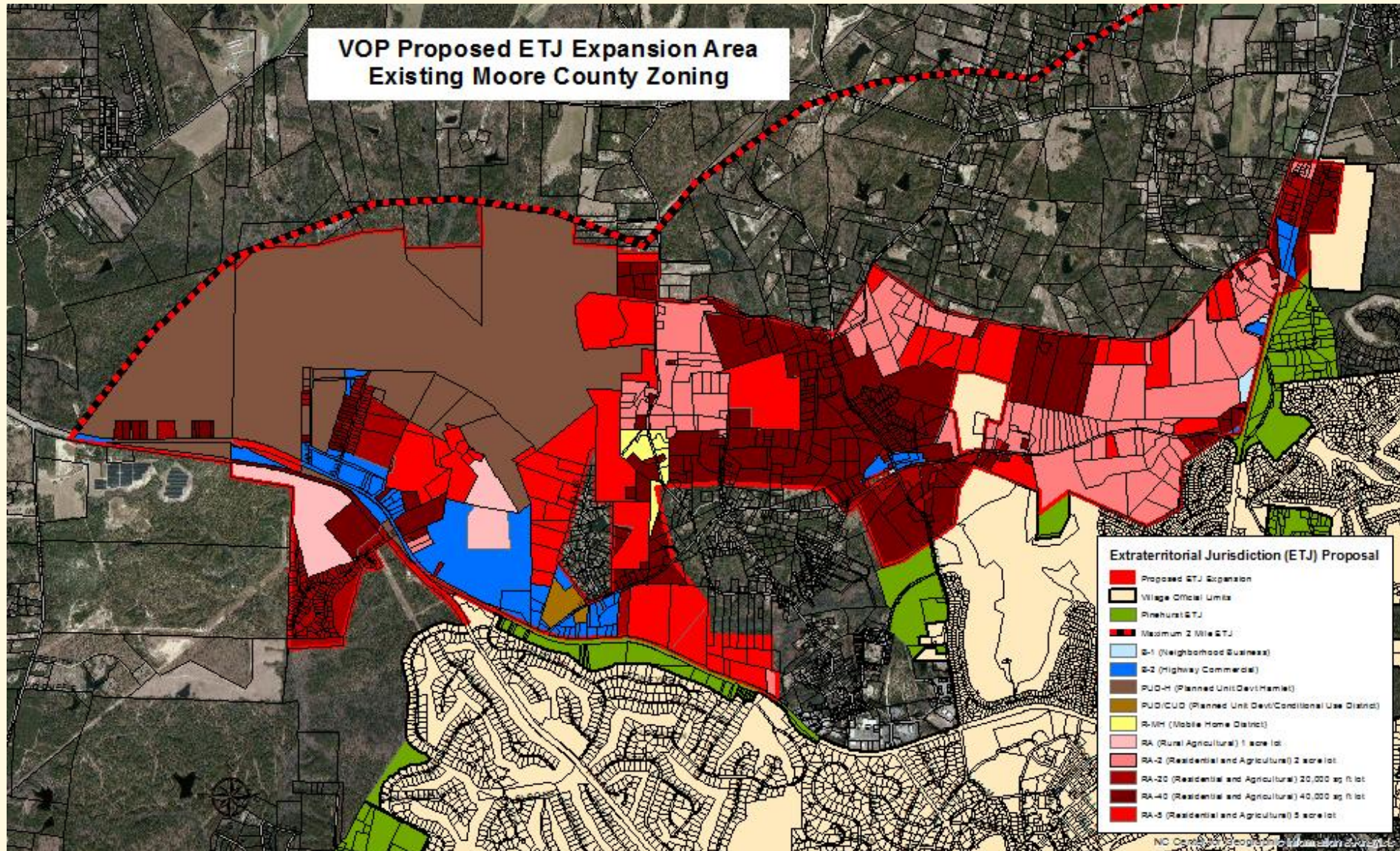
Area	How Regulation Will be Handled
Farm practices	No change - NCGSs exempt bone fide farm uses from ETJ regulation
Chickens & livestock	Pinehurst currently allows in R210 (5 acre zoning); Grandfathered nonconforming use for other zoning districts
Fences, signs, propane tanks and accessory buildings	Grandfathered nonconforming situations
Boats	Pinehurst currently allows in R210 (5 acre zoning) and commercial zoning; Grandfathered nonconforming use for other zoning districts
Trash cans	No change - Not governed by development ordinance
Oversized vehicles, commercial vehicles, trailers, unregistered vehicles	No change - Not governed by development ordinance

Potential Property Owner Concerns (Continued)



- **Higher taxes:** This is NOT an annexation – NO new taxes
- **Changes to zoning:**
 - Pinehurst is committed to working with property owners to ensure resulting zoning is in the collective best interest
 - Property owners are encouraged to be involved in our ongoing Comprehensive Long Range Plan update
 - Pinehurst's development ordinance protects nonconforming uses that result from changes in zoning

Current Moore County Zoning



Potential Property Owner Concerns (Continued)



- **Other concerns:** the Village of Pinehurst is committed to working through each individual concern, point-by-point

This is not about changing the present, it is about protecting our future!

Why Should Moore County Approve?



- ✓ **Creates an environment where developers are more likely to petition for annexation, thereby relieving Moore County of the responsibility for providing concentrated municipal levels of service (while still collecting the same taxes)**
- ✓ **Helps to preserve the unique character of Pinehurst, which is vital to Moore County's economy and quality of life**
- ✓ **Relieves Moore County of responsibility for and expense associated with building inspections and fire inspections**

Conclusions



Pinehurst is not interested in promoting growth, we are interested in managing the growth that is going to happen!

This is NOT about annexing property, it's about protecting our future!

This is NOT about changing the present, it's about protecting our future!

The Village of Pinehurst is committed to working with affected property owners to ensure the best possible zoning and desirable changes to our development ordinance to accommodate the expansion

Check out: www.envisionthevillage.com, and participate in Planapalooza, September 19th – 24th at Village Hall